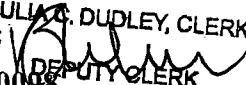


MAY 27 2016

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

STANLEY EDWARD JAMISON,
Plaintiff,

v.

T. TAYLOR, et al.,
Defendants.

Civil Action No. 7:15-cv-00098

ORDER

By: Hon. Michael F. Urbanski
United States District Judge

Stanley Edward Jamison, a federal inmate proceeding pro se, filed a civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 389 (1971). Presently before the court is Plaintiff's motion to amend, seeking to withdraw claims against defendants D.S. Lane and Lt. Keith Martin. A court should freely give leave to amend when justice so requires absent some reason "such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment or futility of the amendment" Foman v. Davis, 371 U.S. 178, 182 (1962) (citing Fed. R. Civ. P. 15(a)(2)); see, e.g., Ethridge v. Harbor House Rest., 861 F.2d 1389, 1392 (9th Cir. 1988) (recognizing that Fed. R. Civ. P. 15, and not Fed. R. Civ. P. 41, applies when a party seeks to withdraw less than an entire action). Finding it appropriate to do so, Plaintiff's motion to amend (ECF no. 57) is **GRANTED**; D.S. Lane and Lt. Keith Martin are **TERMINATED** as defendants; and their dispositive motions (ECF Nos. 47, 49) are **DISMISSED as moot**. A separate order will issue for the claims against defendants T. Taylor and M. Briggs that the court already determined would be resolved by trial.

The Clerk shall send a certified copy of this Order to the parties.

It is so **ORDERED**.

ENTER: This 27 day of May, 2016.



United States District Judge